



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

Mountain  
Plains  
Region

1244 Speer Boulevard  
Denver, CO 80204

Reply to  
Attn. of:

SP 94-C-27

NOV 8 1993

Subject: Permanent Agreements

To:

STATE AGENCY DIRECTORS  
(Special Nutrition Programs)

- Colorado ED, Iowa, Kansas, Missouri ED,  
Montana OPI, Nebraska ED, North Dakota,  
South Dakota, Utah, Wyoming ED

This memorandum sets out a policy on permanent agreements and policy statements between the State agency (SA) and the school food authorities (SFAs) in the State, in the National School Lunch Program, School Breakfast Program, and Special Milk Program. This policy is optional until such time as a proposed regulation on this subject, published in May of 1991, is published as a final regulation.

The policy is set forth in the following provisions:

1. The SA may accept current agreements, policy statements, and attached documents on file as permanent in advance of a final regulation.
2. All documents listed below must be part of the policy statement:
  - a. the public release
  - b. the parent letter with the application form
  - c. the notice to households of approval/denial
  - d. the notice of selection for verification
  - e. the notice of adverse action
  - f. the direct certification notice, if applicable
3. Permanent agreements may be maintained on microfilm or any other medium as long as the local official's signature is legible and the agreement can be readily retrieved.
4. We do not believe that a legally binding document, such as an agreement, could be transmitted by electronic mail.
5. The agreement, etc. need not be replaced solely because the signing official is replaced, provided, of course, that no other changes have occurred. In the event of a change to a provision or item (e.g. the meal counting system is modified), only that provision or item would need to be amended.

6. At SA discretion, the SA may require SFAs to submit for approval the public release and parent letter with the application form prior to their use. The SA may also exempt SFAs from submitting these documents if the SFA notifies the SA in writing that it is using the SA prototypes or that the SFA plans to use the prior year's documents, which were previously approved, with an update to the Income Eligibility Guidelines. Since these documents are used by households applying for free and reduced price meals, it is essential that the income guidelines and the eligibility information are correct.
7. SAs continue to be responsible for ensuring that SFAs submit updates to their policy statements when changes occur and that agreements and policy statements are implemented by the SFA as approved.

Please contact our office if you have any questions.

*Ann C. Hector*

ANN C. HECTOR  
Regional Director  
Special Nutrition Programs